

March 28, 2023

**VIA ECF**

The Honorable Lewis J. Liman  
U.S. District Court, Southern District of New York  
Daniel Patrick Moynihan, U.S. Courthouse  
500 Pearl Street  
New York, New York 10007-1312

**Re: Tobias Moeller-Bertram v. Gemini Trust Co., LLC, et al.,  
No. 1:23-cv-02027**

Dear Judge Liman:

Counsel for Plaintiff Tobias Moeller-Bertram and counsel for Defendant Gemini Trust Co., LLC (“Gemini”) respectfully submit this joint letter-motion, and Stipulation and Proposed Order requesting that pending the Court’s resolution of Plaintiff’s anticipated motion to remand the above-referenced action (“Action”), Gemini’s motion to compel arbitration (Dkt. Nos. 14-16) should be stayed, and Gemini’s obligation to respond to the Complaint or provide discovery should be stayed.

On February 23, 2023, Plaintiff commenced this Action in the Supreme Court of the State of New York, New York County, against Defendants Gemini and Digital Currency Group, Inc. (“DCG”, and together with Gemini, “Defendants”). On March 9, 2023, DCG removed this Action from the Supreme Court of the State of New York, New York County, to this Court. Plaintiff informed Defendants of his intention to file a motion to remand the Action to New York State Court. On March 15, 2023, this Court so ordered a stipulation between Plaintiff and DCG, staying DCG’s response to Plaintiff’s Complaint pending the Court’s decision on Plaintiff’s motion to remand. Dkt. No. 10.

On March 16, 2023, Gemini filed a motion to compel Plaintiff’s claim against Gemini (“Motion to Compel Arbitration”). Subject to the Court’s approval, counsel for Plaintiff and counsel for Gemini have agreed to defer Plaintiff’s response to Gemini’s Motion to Compel Arbitration until after the Court decides Plaintiff’s anticipated motion to remand, and to defer Gemini’s response to Plaintiff’s Complaint and stay all discovery between Plaintiff and Gemini until after the Court decides Gemini’s Motion to Compel Arbitration.

This is Plaintiff’s first request for an extension of time to respond to the Motion to Compel Arbitration. This is also Gemini’s first request for an extension of time to respond to the Complaint. Plaintiff, and Defendants Gemini and DCG will jointly request that all discovery and further proceedings be deferred pending the Court’s resolution of Plaintiff’s anticipated remand motion and Gemini’s motion to compel. Thus, the requested extensions will not affect any other scheduled dates set forth by the Court.

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The Hon. Lewis J. Liman, U.S.D.J.

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Accordingly, undersigned counsel for Plaintiff and Gemini respectfully request that the Court enter an Order as set forth in Exhibit A, attached hereto.

Respectfully submitted:

/s/ Hung G. Ta

HGT LAW

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